

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 19-60722  
\_\_\_\_\_



In re: ANTONIO CARROTHERS,

**A True Copy  
Certified order issued Nov 07, 2019**

Movant  
\_\_\_\_\_

*Steph W. Cauce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

Motion for an order authorizing  
the United States District Court for the  
Northern District of Mississippi to consider  
a successive 28 U.S.C. § 2254 application  
\_\_\_\_\_

Before ELROD, COSTA, and ENGELHARDT, Circuit Judges.

PER CURIAM:

Antonio Carrothers, Mississippi prisoner # K4407, seeks authorization to file a successive 28 U.S.C. § 2254 application challenging his Mississippi state conviction for armed robbery. If granted authorization, Carrothers would argue that Mississippi's armed robbery statute is unconstitutional and that he did not satisfy the asportational requirement of the statute.

A state prisoner seeking leave to file a successive § 2254 application must obtain authorization from this court. 28 U.S.C. § 2244(b)(3)(A). This court will grant authorization if the prisoner makes a prima facie showing that (1) his claims rely on a new, previously unavailable rule of constitutional law that was made retroactively applicable to cases on collateral review by the Supreme Court, or (2) the factual predicate for his claims could not have been discovered previously through due diligence and the underlying facts, if proven, would establish by clear and convincing evidence that, but for constitutional error, no

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reasonable trier of fact would have found him guilty of the underlying offense. § 2244(b)(2), (b)(3)(C).

Because Carrothers challenged the constitutionality of Mississippi's armed robbery statute and his satisfaction of the asportational requirement in his initial § 2254 application, we decline to grant authorization to raise those claims in a successive § 2254 application. *See* § 2244(b)(1); *see also In re Flowers*, 595 F.3d 204, 205 (5th Cir. 2009).

Accordingly, IT IS ORDERED that Carrothers's motion for authorization to file a successive § 2254 application is DENIED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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NEW ORLEANS, LA 70130

November 07, 2019

Mr. David Crews  
Northern District of Mississippi, Oxford  
United States District Court  
911 Jackson Avenue  
Room 369  
Oxford, MS 38655

No. 19-60722 In re: Antonio Carrothers  
USDC No. 3:19-CV-215

Dear Mr. Crews,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Mary Stewart*

By: \_\_\_\_\_  
Mary C. Stewart, Deputy Clerk  
504-310-7694

cc w/encl:  
Mr. Antonio Carrothers